

# HOUSE BILL No. 1951

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-42-19-5; IC 25-27.5.

**Synopsis:** Prescribing of legend drugs by physician's assistants. Gives a physician assistant authority to prescribe legend drugs. Authorizes a physician to delegate prescribing privileges to a physician assistant.

**Effective:** July 1, 2001.

---

---

**Welch, Brown C, Becker, Crosby**

---

---

January 17, 2001, read first time and referred to Committee on Public Health.

---

---

C  
o  
p  
y



Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1951

---

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-42-19-5 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. As used in this  
3       chapter, "practitioner" means any of the following:

- 4       (1) A licensed physician.
- 5       (2) A veterinarian licensed to practice veterinary medicine in  
6       Indiana.
- 7       (3) A dentist licensed to practice dentistry in Indiana.
- 8       (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- 9       (5) An optometrist who is:
  - 10       (A) licensed to practice optometry in Indiana; and
  - 11       (B) certified under IC 25-26-15.
- 12       (6) An advanced practice nurse who meets the requirements of  
13       IC 25-23-1-19.5.
- 14       (7) **A physician assistant certified under IC 25-27.5 who is**  
15       **delegated prescriptive authority under IC 25-27.5-5-6.**

16       SECTION 2. IC 25-27.5-1-1 IS AMENDED TO READ AS  
17       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This article does not

2001

IN 1951—LS 7133/DI 77+



C  
o  
p  
y

1 apply to the following:

2 (1) A physician assistant trainee or a student enrolled in a  
3 physician assistant or a surgeon assistant educational program  
4 accredited by ~~the~~ CAHEA, **CAAHEP, or a successor agency.**

5 (2) A physician assistant employed in the service of the federal  
6 government while performing duties incident to that employment.

7 (3) A health care professional, technician, ~~and~~ **or** other assistant  
8 or employee of a physician who performs delegated tasks in the  
9 office of a physician but who does not render services as a  
10 physician assistant or profess to be a physician assistant.

11 SECTION 3. IC 25-27.5-2-1.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. "Administer a drug" means**  
14 **the direct application of a drug, whether by injection, inhalation,**  
15 **ingestion, or any other means, to the body of a patient.**

16 SECTION 4. IC 25-27.5-2-2 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. "Approved program"  
18 means a physician assistant or a surgeon assistant program accredited  
19 by CAHEA, **CAAHEP, or a successor agency.**

20 SECTION 5. IC 25-27.5-2-4.5 IS ADDED TO THE INDIANA  
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. "CAAHEP" refers to the**  
23 **Commission on Accreditation of Allied Health Education**  
24 **Programs.**

25 SECTION 6. IC 25-27.5-2-7.3 IS ADDED TO THE INDIANA  
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2001]: **Sec. 7.3. "Dispense" means issuing**  
28 **one (1) or more doses of a drug in a suitable container with**  
29 **appropriate labeling for subsequent administration to or use by a**  
30 **patient or issuing medical devices.**

31 SECTION 7. IC 25-27.5-2-10 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. "Physician  
33 assistant" means an individual who has:

34 (1) graduated from a physician assistant or a surgeon assistant  
35 program accredited by ~~the~~ CAHEA, **CAAHEP, or a successor**  
36 **agency; and**

37 (2) passed the certifying examination **administered by the**  
38 **NCCPA and maintains certification by the NCCPA; and**

39 **(3) been certified by the committee.**

40 SECTION 8. IC 25-27.5-4-1 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. An individual must  
42 be certified by the committee before the individual may practice as a

C  
o  
p  
y



physician assistant. The committee may grant a certificate as a physician assistant to an applicant who does the following:

- (1) Submits an application on forms approved by the committee.
- (2) Pays the fee established by the board.
- (3) Has:

(A) successfully completed an educational program for physician assistants or surgeon assistants accredited by the CAHEA, CAAHEP, or a successor agency; and

(B) ~~has~~ passed the Physician Assistant National Certifying Examination administered by the NCCPA ~~or other examination approved by the committee and maintains current NCCPA certification.~~

- (4) Submits to the committee any other information the committee ~~requires~~ **considers necessary** to evaluate the applicant's qualifications.

- (5) Presents satisfactory evidence to the committee that the individual has not been:

(A) engaged in an act that would constitute grounds for a disciplinary sanction under IC 25-1-9; ~~and or~~

(B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a physician assistant without endangering the public.

SECTION 9. IC 25-27.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** This chapter does not apply to the practice of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

**(b) This chapter does not allow the independent practice by a physician assistant of any of the activities of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).**

SECTION 10. IC 25-27.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform the duties and responsibilities, **including prescribing and dispensing drugs and medical devices,** that are delegated by the supervising physician. **A patient may elect to be seen, examined, and treated by the supervising physician.**

SECTION 11. IC 25-27.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) ~~The board may adopt rules under IC 4-22-2 to determine the appropriate use of prescription drugs by a physician assistant. Except as provided in~~



C  
o  
p  
y

subsection (b), a physician assistant may prescribe, dispense, and administer drugs and medical devices or services to the extent delegated by the supervising physician.

(b) A physician assistant may not prescribe, dispense, or administer ophthalmic devices, including glasses, contact lenses, and low vision devices.

(c) As permitted by the board, a physician assistant may use or dispense only drugs prescribed or approved by the supervising physician. **Prescription and administration of drugs may include:**

(1) all legend drugs approved by the supervising physician; and

(2) not more than a seven (7) day supply of scheduled substances listed under IC 35-48-2 approved by the supervising physician.

(c) Notwithstanding subsection (b); a physician assistant may not dispense a scheduled substance listed under IC 35-48-2.

(d) Physician assistants may request, receive, and sign for professional samples and may distribute professional samples to patients if the samples are within the scope of the physician assistant's prescribing privileges delegated by the supervising physician.

SECTION 12. IC 25-27.5-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) A supervising physician may delegate authority to a physician assistant to prescribe:

(1) legend drugs;

(2) not more than a seven (7) day supply of controlled substances (as defined in IC 35-48-1-9) at one (1) time; and

(3) medical devices except ophthalmic devices, including glasses, contact lenses, and low vision devices.

(b) Any prescribing authority delegated to a physician assistant must be expressly delegated in writing by the physician assistant's supervising physician.

(c) A physician assistant who is delegated the authority to prescribe legend drugs or medical devices must do the following:

(1) Enter on each prescription form that the physician assistant uses to prescribe a legend drug or medical device:

(A) the signature of the physician assistant;

(B) the initials indicating the credentials awarded to the physician assistant by the NCCPA; and

(C) the physician assistant's state certificate number.

(2) Comply with all applicable state and federal laws



C  
o  
p  
y

1 concerning prescriptions for legend drugs and medical  
2 devices.

3 (d) A supervising physician may delegate to a physician  
4 assistant the authority to prescribe only legend drugs and medical  
5 devices that are within the scope of practice of the licensed  
6 supervising physician or the physician designee.

7 (e) A physician assistant who is delegated the authority to  
8 prescribe controlled substances under subsection (a) must do the  
9 following:

10 (1) Obtain an Indiana controlled substance registration and  
11 a federal Drug Enforcement Administration registration.

12 (2) Enter on each prescription form that the physician  
13 assistant uses to prescribe a controlled substance:

14 (A) the signature of the physician assistant;

15 (B) the initials indicating the credentials awarded to the  
16 physician assistant by the NCCPA;

17 (C) the physician assistant's state certificate number; and

18 (D) the physician assistant's federal Drug Enforcement  
19 Administration (DEA) number.

20 (3) Comply with all applicable state and federal laws  
21 concerning prescriptions for controlled substances.

22 (f) A supervising physician may delegate to a physician assistant  
23 the authority to prescribe only controlled substances that may be  
24 prescribed within the scope of practice of the licensed supervising  
25 physician or the physician designee.

C  
o  
p  
y

